

1 DAVID J. KAMINSKI, ESQ., (SBN #128509)  
2 STEPHEN A. WATKINS, ESQ. (SBN #205175)  
3 CARLSON & MESSER LLP  
4 5959 W. Century Boulevard, Suite 1214  
5 Los Angeles, California 90045  
6 (310) 242-2200 Telephone  
7 (310) 242-2222 Facsimile

8 Attorneys for Defendant,  
9 ENCORE RECEIVABLE MANAGEMENT, INC.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

51

52

53

54

55

56

57

58

59

60

61

62

63

64

65

66

67

68

69

70

71

72

73

74

75

76

77

78

79

80

81

82

83

84

85

86

87

88

89

90

91

92

93

94

95

96

97

98

99

100

101

102

103

104

105

106

107

108

109

110

111

112

113

114

115

116

117

118

119

120

121

122

123

124

125

126

127

128

129

130

131

132

133

134

135

136

137

138

139

140

141

142

143

144

145

146

147

148

149

150

151

152

153

154

155

156

157

158

159

160

161

162

163

164

165

166

167

168

169

170

171

172

173

174

175

176

177

178

179

180

181

182

183

184

185

186

187

188

189

190

191

192

193

194

195

196

197

198

199

200

201

202

203

204

205

206

207

208

209

210

211

212

213

214

215

216

217

218

219

220

221

222

223

224

225

226

227

228

229

230

231

232

233

234

235

236

237

238

239

240

241

242

243

244

245

246

247

248

249

250

251

252

253

254

255

256

257

258

259

260

261

262

263

264

265

266

267

268

269

270

271

272

273

274

275

276

277

278

279

280

281

282

283

284

285

286

287

288

289

290

291

292

293

294

295

296

297

298

299

300

301

302

303

304

305

## **GENERAL OBJECTIONS**

1.     Privileged information. Defendant reserves the right to object to the disclosure of information to the extent that such information is protected by the attorney-client privilege, or any other applicable privilege, on the grounds that such matters are exempted from discovery.
2.     Work Product. Defendant reserves the right to object to the disclosure of information to the extent that such information is not discoverable by reason of the work-product or trial-preparation doctrine.
3.     Relevancy. Defendant reserves the right to object to the disclosure of information that is not relevant to any claim or defense.

## DISCLOSURES

**A. List Of Individuals Likely To Have Discoverable Information Relevant To Disputed Facts Alleged In The Pleadings And The Subject Matter Of The Information**

13 1. Various representatives on behalf of Defendant Encore Receivable Management, Inc., 400  
14 North Rodgers Road, Olathe, Kansas 66062-1222.

15 2. Plaintiff Samuel Kwesi Dadjo. Mr. Dadjo is expected to testify about the factual basis for  
16 the allegations in his complaint, his contacts with the Defendant, and his damages.

17 3. Expert Testimony as Needed. Defendant may seek to use expert testimony, but has not  
18 consulted nor retained any experts at this time.

19 Defendant reserves the right to supplement these disclosures and to add any person(s)  
20 necessary to establish the claims or defenses alleged in their pleadings.

21 B. **Description By Category And Location Of Documents, Data Compilations, and**  
22 **Tangible Things That Defendants May Use To Support Their Claims Or Defenses.**

23 Pursuant to Rule 26(a)(1)(B) of the Federal Rules of Civil Procedure, Defendant states that  
24 it may use the following documents or categories of documents, excluding any document that is  
25 privileged, to support their claims or defenses:

26 1. Copies of documents in Defendant's files relating to the collection action against  
27 the Plaintiff, including collection notes; and

28 | //

1           2. Copies of documents and other tangible items produced by Plaintiff to the extent  
2           relevant to Defendant's defense to Plaintiff's claims.

3           To the extent that the documents above are in Defendant's possession, these documents will  
4           be made available for inspection and copying upon reasonable notice.

5           Defendant does not make any representations with respect to the relevance of any  
6           documents, nor does it waive the right to object to the production of documents in these categories  
7           for any reason, including, but not limited to, that a request for production of such documents would  
8           be overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of  
9           admissible evidence.

10           Defendant reserves the right to supplement these disclosures and to add any document(s) or  
11           physical evidence necessary to establish the claims or defenses alleged in their pleadings.

12           **C. Computation Of Damages**

13           Defendant presently does not seek damages.

14           **D. Insurance Agreements**

15           Defendant will produce for inspection and copying, upon demand, the Declaration page of  
16           the Insurance Agreements under which any insurance company may be liable to satisfy all or any  
17           judgment which may entered against Defendant or to reimburse Defendant for any payments made  
18           to satisfy any such judgment, to the extent relevant and applicable.

19  
20  
21           DATED: February 21, 2008

CARLSON & MESSER LLP

22           By

23             
24           \_\_\_\_\_  
25           David J. Kaminski, Esq.  
26           Stephen A. Watkins, Esq.  
27           Attorneys for Defendant,  
28           ENCORE RECEIVABLE MANAGEMENT, INC.

**PROOF OF SERVICE**

1 STATE OF CALIFORNIA )  
 2 )  
 3 ) ss.  
 4 COUNTY OF LOS ANGELES )  
 5

6 I am employed in the County of Los Angeles, State of California.  
 7

8 I am over the age of eighteen years and not a party to the within action. my business address is  
 9 5959 W. Century Blvd., Suite 1214, Los Angeles, California 90045.

10 On **February 21, 2008**, I served the foregoing document(s) described as **INITIAL**  
 11 **DISCLOSURES** on all interested parties in this action by:

**SEE ATTACHED SERVICE LIST**

12 [ ] **BY ELECTRONIC MAIL** : Based on Court order or an agreement of the parties to accept  
 13 service by e-mail or electronic transmission, I caused the said documents to be sent to the  
 14 persons at the electronic mail addresses listed below (see attached service list). I did not receive  
 15 within a reasonable time after the transmission, any electronic message or other indication that  
 16 the transmission was unsuccessful.

17 [ X ] **BY MAIL**: I sealed such envelope(s) and placed it (them) for collection and mailing on this  
 18 date following the ordinary business practices of Carlson & Messer LLP. I am "readily familiar"  
 19 with the business practices of Carlson & Messer LLP for collection and processing of  
 20 correspondence for mailing with the United States Postal Service. Such correspondence would  
 21 be deposited with the United States Postal Service at Los Angeles, California this same day in  
 22 the ordinary course of business with postage thereon fully prepaid.

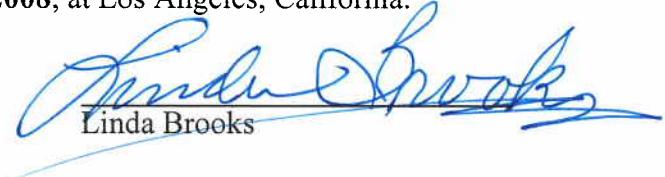
23 [ ] **BY FACSIMILE**: On the date set forth below, at approximately \_\_\_\_\_, I transmitted the above  
 24 document(s) from facsimile machine number (310)242-2222, in compliance with transmission  
 25 as provided in California Rule of Court 2008. The fax number(s) that I used are shown above  
 26 or on the attached Service List, along with the names of recipients and the interested parties.  
 27 The Facsimile Machine I used complied with California Rule of Court 2003(3). The  
 28 transmission was reported as complete and without error by the machine, which properly issued  
 the transmission report.

29 [ ] **BY PERSONAL SERVICE BY HAND**: I personally served said document(s) on the date set  
 30 forth below, by personally hand serving the aforementioned document to (See Service List)

31 [ ] **(STATE)** - I declare under penalty of perjury under the laws of the State of California that  
 32 the above is true and correct.

33 [x] **(FEDERAL)** - I declare that I am employed in the office of a member of the bar of this court at  
 34 whose direction the service was made.

35 Executed this **21st day of February, 2008**, at Los Angeles, California.



26 Linda Brooks  
 27  
 28

1 **SERVICE LIST**

2 **Samuel Kwest Dadjo v. Encore Receivable Management, Inc.**  
3 Our File No . 05704.00

4 Fred W. Schwinn, Esq.  
5 CONSUMER LAW CENTER, INC.  
6 12 South First Street, Suite 416  
7 San Jose, CA 95113-2404  
8 Phone: (408) 294-6100  
9 Fax: (408) 294-6190

10 **Attorneys for Plaintiff SAMUEL KWEST  
11 DADJO**

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28